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4/23/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Shou-Wei DING) Examiner: Georgia L. Helmer
Serial No. 09/700,113) Group Art Unit: 1638
Filed: February 16, 2001)
For: DISEASE RESISTANT TRANSGENIC PLANTS

**RESPONSE TO NOTICE TO COMPLY
AND SUBMISSION OF SEQUENCE LISTING**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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In response to the Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed March 21, 2002, Applicant submits herewith a paper copy of the Sequence Listing previously submitted in computer readable form in application Serial No. 09/153,241, filed September 15, 1998 (now U.S. Patent No. 6,207,882) by the same applicant. Applicant requests the use of the compliant computer readable Sequence Listing that is already on file for application Serial No. 09/153,241. The sequence information of the computer readable form

submitted in application Serial No. 09/153,241 is identical to the paper copy of the Sequence Listing filed herewith and includes no new matter.

Respectfully submitted,

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

By



Mark I. Bowditch
Attorney for Applicant
Registration No. 40,315
1425 K Street, N.W.
Suite 800
Washington, D.C. 20005
Telephone: (202)783-6040

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. Other: _____

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Applicant must provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123
For CRF submission help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856

Please return a copy of this notice with your response.

Please Note:
As of 3/18/02



A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

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